

REMARKS

Currently claims 16, 17, 19 and 21-30 are pending in the present application. The Examiner has rejected these claims under 35 USC § 103(a) as being unpatentable over Kaplan (US 5,873,605) in view of Guenther et al. (US 5,852,813) for the reasons set forth therein.

Applicant respectfully submit that the claims in their present form are not taught or suggested by the prior art references either individually or in combination as suggested by the Examiner.

Independent claim 16 is directed to a personal image product having a top surface and a bottom surface wherein the top surface has a personal image having a designated area where an official postal product may be placed. Thus, the image product is separate and apart from the official postal product. The official postal product is designed to be placed on the personal image product. In addition, claim 16 includes the limitation that the designated area is modified based on a colorimetric value of the official postal product or personal image. As set forth in the background of the invention at page 2, lines 9-11, one of the problems of the prior art is that the official postal product is not placed in a designated area and thus resulting in an unaesthetic combination. By modifying the designated area as taught and claimed by Applicant, this problem is either eliminated or minimized.

With regard to the Kaplan reference, this is directed to an official postal product which incorporates a personal image thereon. However, it does not teach or suggest providing a personal image product on which an official postal product is placed. Quite the contrary, the Kaplan reference is directed to an integral constructed product of a unitary type construction. That is, the image is integrally formed as a part of the official postal product. See column 3, lines 66-67. As previously mentioned, this is apart and distinct from the two-part construction as taught and claimed by Applicant. Further, there is no teaching or suggestion of modifying the color characteristics of the image with respect to the official postal product.

The Examiner has cited the Guenther reference as teaching a designated area that is modified based on a colorimetric value of official postal product or personal image. In this regard, the Examiner refers to column 14, lines

47-51 and column 24, lines 22-29. Applicant respectfully submits that the Guenther reference is deficient for teaching the invention of claim 16 for at least two reasons. As with the Kaplan reference, the Guenther reference is directed to a postage meter and not to a two-part constructed product as taught and claimed by Applicant. As previously discussed, the present invention is directed to a two-piece construction comprising a personal image product on which an official postal product may be placed. Since the Guenther reference is directed to a metered postage, the postage disclosed therein is of a single type construction. Secondly, the Guenther reference also fails to teach or suggest the modifying of the designated area based on the colorimetric value of the official postal product. What is disclosed at column 14, lines 47-51 is the ability to provide different slogans or impressions on the metered stamp. There is no teaching or suggestion of modifying the color of the designated area of the official postal product. Furthermore, since this is a metered stamp, it could not provide the two-part construction as previously discussed. The Guenther reference, at column 24, lines 22-29 is directed simply to providing multiple images that overlap on the metered stamp. However, in order to allow certain items such as franking value, date, numerator, text part carrier logo to be viewed, the image of one of the sub images is inverted so as to allow high visibility. See column 24, line 29. There is no teaching or suggestion of providing a designated area being modified as taught and claimed by Applicant. Quite the contrary, since there is no two-part construction, it would not teach or suggest the providing of such.

In summary, neither Kaplan nor Guenther et al. teach or suggest the invention as taught and claimed by independent claim 16. Dependent claims 17, 19, 21, 22, 23 and 24 depend at least ultimately upon independent claims 16 and therefore are patentably distinct for the same reasons previously discussed.

With regard to independent claim 25, this claim has been amended to more precisely identify the present invention. In particular, this is directed to a method of making a personal postal product in which a personal image is provided. In the official postal product, i.e. such as a stamp, as illustrated by Figures 5a and 5b, there is provided a designated area 165 for receiving of the personal image 155. The designated area of the image is modified with respect to the colorimetric value of the designated area, thus, when combined together will provide a result as illustrated in 5b. There is no teaching or suggestion of


providing such a combination as taught and claimed by Applicant. There is no teaching or suggestion in any reference of having a designated area for receiving of a personal image and that the personal image is modified in accordance with the colorimetric value of the designated area. Accordingly, it is respectfully submitted that Kaplan and Guenther do not teach the invention as set forth in independent claim 25. Claims 26 and 28 depend at least ultimately upon independent claim 25 and are therefore patentably distinct for the same reasons.

Independent claim 29, the last independent claim, is directed to a method of making a personal postal product assembly. Here again this comprises an official postal product in combination with a personal image product having a designated area for receiving an official postal product. The claim further sets forth the modifying at least one colorimetric value of the personal image in the designated area in response to the at least one known colorimetric value of the official postal product. Here again, this is distinguishable for the same reasons previously discussed with independent claim 16 and therefore it is respectfully submitted that claim 29 is patentably distinct for the same reason. Dependent claims 30 and 31, being dependent upon independent claim 29, are also patentably distinct for the same reasons previously discussed.

Claim 31 is a new independent claim that further limits the official postal product comprising a stamp.

In view of the foregoing it is respectfully submitted that the claims in their present form are in condition for allowance and such action is respectfully requested.

Respectfully submitted,


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If the Examiner is unable to reach the Applicant(s) Attorney at the telephone number provided, the Examiner is requested to communicate with Eastman Kodak Company Patent Operations at (585) 477-4656.